

# Court of Appeals, State of Michigan

## ORDER

People of MI v DuJuan O'Neal

Docket No. 257333

LC No. 04-002337-01

Karen M. Fort Hood  
Presiding Judge

Michael J. Talbot

Kirsten Frank Kelly  
Judges

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The Court orders that the motion to dismiss is DENIED.

Pursuant to MCR 7.216(A)(7), the Court further orders that the March 9, 2007, order of the Wayne Circuit Court that granted defendant-appellant's motion for a new trial is VACATED because the grant of a new trial exceeded the scope of the Court's remand orders. See *People v Smith* 464 Mich 876; 630 NW2d 625 (2001). The parties shall brief their respective positions with respect to the trial court's decision that defendant-appellant was denied the effective assistance of counsel in the context of the supplemental briefing provided by the Court's remand orders of September 21, 2005, and July 19, 2006. The time for filing defendant-appellant's supplemental brief is extended until 14 days after the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

June 7, 2007  
Date

*Sandra Schultz Mengel*  
Chief Clerk